

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

TERRY L. TRUSTY, ET AL.

v.

STEPHEN D. JONES, ET AL.

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* Civil No. JFM-05-1411
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MEMORANDUM

Terry L. Trusty and Ellen D. Trusty have appealed from a memorandum opinion and order entered by the Bankruptcy Court entering judgment in favor of defendants in an adversary proceeding. In that proceeding, the Trusty's had requested the Bankruptcy Court to declare (1) the termination of a lease agreement between the Trustys and defendant Stephen Jones was null and void, (2) that a land installment contract between the Trustys and Jones be reinstated, (3) the value of 3901 St. Paul St. is \$514,540, (4) that Jones has no equity interest in the property, (5) that the defendant Damascus Community Bank is estopped from claiming any interest in the property, (6) that Jones be forced to sell the property to the Trustys for approximately \$455,000, and (7) that \$100,000 in damages be assessed against Jones and \$50,000 damages be assessed against McKenzie.

The Bankruptcy Court held a seven day trial. After the trial, the Bankruptcy Court issued a thirty page opinion granting judgment in favor of defendants. The opinion is very thorough and well considered.

"Findings of fact made by a Bankruptcy Court shall not be set aside unless clearly erroneous." Federal Rule of Bankruptcy Procedure 8013. Here, the Trustys have made no showing whatsoever that any of the factual findings made by the Bankruptcy Court were clearly erroneous. Likewise, although a Bankruptcy Court's conclusions of law are viewed *de novo*,

Travelers Co. v. Bryson Prop. XVIII, 961 F.2d 496, 499 (4th Cir. 1992), the Trustys have not shown that any conclusions of law made by the Bankruptcy Court were erroneous. To the contrary, against the background of the factual findings made by the Bankruptcy Court, its conclusions of law were correct.

For these reasons, the Bankruptcy Court's decision will be affirmed. A separate order to that effect is being entered herewith.

Date: July 18, 2005

/s/
J. Frederick Motz
United States District Judge

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ORDER

For the reasons stated in the accompanying memorandum, it is, this 18th day of July 2005

ORDERED that the order entered by the Bankruptcy Court on March 21, 2005, granting judgment to defendants, is affirmed.

/s/

J. Frederick Motz
United States District Judge